

**O'Donnell Construction Inc.**

559 W. Covina Boulevard
San Dimas, CA. 91773-2911
Phone 909-394-4510 Fax 909-394-4750

General Engineering Contractor

License #772905 A.

May 4, 2016

Mr. Jeff Defevre
Office Chief
Division of Engineering Services
Department of Transportation
1727 30th Street, MS-43
Sacramento, CA 95816-8041

Dear Mr. Defevre,

RE: Contract No. 07-3W0804
LA-5,14,138,210 Var, Bid Date 4/20/16

Please consider this letter to be a formal protest of the bid submitted by Velarde Concrete Construction, Inc. on the above noted contract. O'Donnell Construction, Inc. is currently the 4th ranked bidder, however, 2nd with the Comparison Amount.

At bid time Velarde listed DVBE subcontractor, E-NOR Innovations, Inc, as performing 7.9% of Item 3, Traffic Control System. Subsequent to this listing of E-NOR performing 7.9% (\$7,299.22) of Item 3, Velarde submitted their DVBE Summary claiming that subcontractor E-NOR was performing 22.5%(\$20,785.00) of Item 3, see attached.

This is an obvious inconsistency between Velarde's bid-time Subcontractor Listing and Velarde's DVBE Summary. A listed subcontractor's participation in a particular item has been increased to meet the DVBE goal.

We hereby request the state find the bid submitted by Velarde to be nonresponsive and award this contract to O'Donnell Construction, Inc. See attached our DVBE Summary.

Please contact me with any comments or questions.

Sincerely,

Neil T. O'Donnell
President

07-3W0804
07-LA-14-R2
04/20/16

BID211
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LIST OF SUBCONTRACTORS

BIDDER ID	NAME AND ADDRESS	LICENSE NUMBER	DESCRIPTION OF PORTION OF WORK SUBCONTRACTED
05	E-NOR INNOVATIONS, INC. PARAMOUNT CA	931953	ITEM 3 (7.9%)
	E-NOR INNOVATIONS, INC. PARAMOUNT CA	931953	TRAFFIC CONTROL SYSTEM - PARTIAL
	GLOBAL ENVIRONMENTAL NETWORK, INC. FOUNTAIN VALLEY CA	878478	ITEM 8 (100%)
	GLOBAL ENVIRONMENTAL NETWORK, INC. FOUNTAIN VALLEY CA	878478	ITEM 9 (83.3%)
	GLOBAL ENVIRONMENTAL NETWORK, INC. FOUNTAIN VALLEY CA	878478	PREPARE WATER POLLUTION CONTROL PROGRAM
	GLOBAL ENVIRONMENTAL NETWORK, INC. FOUNTAIN VALLEY CA	878478	PUBLIC SAFETY PLAN - PARTIAL
	HEIR & SON CONSTRUCTION, INC. YUBA CITY CA	920906	ITEM 17 (55.3%)
	HEIR & SON CONSTRUCTION, INC. YUBA CITY CA	920906	ITEM 34 (4.4%)
	HEIR & SON CONSTRUCTION, INC. YUBA CITY CA	920906	MOBILIZATION - FOR HEIR & SON CONSTRUCTION FORCES ONLY.
	HEIR & SON CONSTRUCTION, INC. YUBA CITY CA	920906	PREPARE CONCRETE BRIDGE DECK SURFACE
	TITAN DVBE REDDING CA	913725	CONSTRUCTION AREA SIGNS

ITEM 3
7.9%

CONTINUED ON NEXT PAGE

Third Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-OE-0102.5 (REV 3/2008)

DISTRICT-COUNTY-ROUTE: 07 - LA - 5, 14, 138, 210 - Var
 CONTRACT NO.: 07-3W0804
 TOTAL BID: \$588,772.47
 BID OPENING DATE: 4/20/16
 BIDDER'S NAME: Velarde Concrete Construction, Inc.
 DVBE PRIME CONTRACTOR CERTIFICATION ¹ _____

Handwritten: 22.5%
 17M 3%

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
6	Prepare Water Pollution Control Program		Global Environmental Network, Inc. (800) 236-6944 #24765	\$ 625.00
9	Prepare Public Safety Plan AEMT Testing (partial 83.3% of item)			\$ 3,000.00
11	Material: Spall Repairs		USC Supply (530) 273-1639 #1068820	\$ 2,535.60
10, 21, 22	Material: Patching Joint Seal M/Vs & M/T			\$ 4,000.19
3	Traffic Control Systems (partial 7.9% of item)		E-Nor Innovations, Inc. (910) 513-6209 #37054	\$ 7,335.00
3	Equipment Rental: Traffic Control Systems			\$ 13,450.00
2	Construction Area Signs		Titan DVBE (530) 949-4353 #1249460	\$ 9,200.00
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.				Total Claimed Participation
				\$ 40,229.79 6.8 %

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to:

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005

Signature of Bidder 4/21/16
 Signature of Bidder Date

(818) 898-2300
 (Area Code) Telephone Number

Gustavo Velarde
 Contact Person (Type or Print)

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-OE-0102.5 (REV 3/2008)

DISTRICT-COUNTY-ROUTE: 07 - LA - 5,14,138,210CONTRACT NO.: 07-3W0804TOTAL BID: 590,048.70BID OPENING DATE: 04/20/16BIDDER'S NAME: O'Donnell Construction Inc.DVBE PRIME CONTRACTOR CERTIFICATION: N/A

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
2	Const Area Signs		Titan DVBE 530-246-7836 #1249460	8,300.00
1,4,8,12,13, 14,15, 23-34	Striping		Mallard Const. 714-785-5394 #1748928	58,503.50
3	Traffic Control for striping		"	17,000.00

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid.
 Identify second and lower tier subcontractors on this form.

Total Claimed Participation

\$ 83,803.50
14.2 %

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to:

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005

 5/4/16
 Signature of Bidder Date

909-394-4510

(Area Code) Telephone Number

Neil O'Donnell

Contact Person

(Type or Print)

04/20/2016 11:48 PDT TO:19093944750 FROM:5302467837

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P.O. BOX 492336 Redding Ca. 96049

SBE/DVBE REF# 1249460 Lic# 913725 DIR#1000006513

CDOT # 07-3W0804

Bid Date 04/20/2016

Bid item # 2 CONSTRUCTION AREA SIGNS furnish, install, remove (add \$850.00 to have Titan USA project) CS-1 = \$7450.00

Bid item # 3 TRAFFIC CONTROL

2 man lane closure: Includes cones, 1 truck, 2 crew, advanced signs, beacons, arrow board. 1 mile 1 way. Additional miles @ \$50.00 (includes cones, signs, barricades etc, fuel)

8hr shift= \$1400.00

10hr shift= \$1780.00

12 hr shift= \$2160.00

Rate does not include TMA

Additional lane/ ramp/ otherway= \$100.00 (includes arrow board, cones, signs, necessary barricades, beacons)

24 hr traffic is subject to additional fuel charge

Type III truck mounted Attenuator (bare rental) \$400.00 day \$1250.00 week \$3000.00 month

Attenuator Truck With Operator (Contractor is Responsible For Fuel)

8 Hr Shift = \$950.00 Overtime Billed at \$ 115.00 per Hr

2 Man Flagging Crew: Includes all cones and all advanced portable warning signs as needed for one mile one direction at a time (additional charges for additional cones and signs if needed)

2 man flagging crew 8hr shift= \$1350.00 + pilot car \$750.00 = \$2100.00

2 man flagging crew 10hr shift= \$1730.00 + pilot car \$980.00 = \$2710.00

2 man flagging crew 12 hr shift= \$2110.00 + pilot car \$1210.00 = \$3320.00

Rumble Strips - Set up and tear down \$250.00 day if needed (With traffic only)

Additional Flaggers- 8 hr shift \$650.00 over time billed at \$95.00 per man hr

Pilot Car with Operator: Includes operator (no mileage charge)

8 hour shift - \$750.00 overtime billed at \$115.00 per hr

Over time billed at \$95.00per man hr

½ Hr OT will be added daily per man if not relieved by contractor for lunch

All Night Work is billed an additional \$3.50 per man hr

Signatory to Northern California Laborers Union

Signatory to Southern California Laborers Union

Bid Item # 5 PORTABLE CHANGEABLE MESSAGE BOARDS

\$1200.00 a month, \$550.00 week, \$300.00 a day, \$200 Delivery Charge Per Board.

There will be no retention held on Traffic Control. There MUST be a 2 week notice before start of work. If this project falls in a per diem area, contractor will be charged an additional \$24.00 per day per

\$8,300-



MALLARD CONSTRUCTION INC.

A DVBE UNION CONTRACTOR - Laborers Local # 1184

a SB/DVBE/SDVOSE Company DGS CERT # 1748928 CSLB # 826607 LIC CLASS B, C-31, C-32, D-06, D-38, D-42, D-64
638 W. Southern Ave. Orange CA. 92865

Ph. (714) 785-5394 Fax (714) 974-1753

E-MAIL: GARY@MALLARDINC.COM

Quote No: GR-2175

Agency: Caltrans

Addenda Noted: 1 is noted

Project: Contract 07-3W0804 - Treat Bridge Deck, Replace Joint
Seals, and Repair Spalled Surface

DIR Number: 1000007027

Estimator: Gary Rivers

Email Address: gary@mallardinc.com

Bid Date: 4/20/2016

Cell Phone 714-785-5394

Item	Item Description	Quantity	Unit	Unit Price	Extended Price
1	Lead Compliance Plan (For Yellow Stripe Removal Only)	1	LS	\$ 1,500.00	\$ 1,500.00
4	Channelizer (Surface Mounted - Left in Place)	1	EA	\$ 50.00	\$ 50.00
8	Remove Yellow Thermoplastic Traffic Stripe	9,040	LF	\$ 0.55	\$ 4,972.00
12	Remove Painted Traffic Stripe	2,010	LF	\$ 0.45	\$ 904.50
13	Remove Thermoplastic Traffic Stripe	13,000	LF	\$ 0.45	\$ 5,850.00
14	Remove Thermoplastic Pavement Marking	600	SF	\$ 1.50	\$ 900.00
15	Remove Pavement Marker	2,410	LF	\$ 2.00	\$ 4,820.00
23	4" Thermoplastic Traffic Stripe	7,710	LF	\$ 0.70	\$ 5,397.00
24	8" Thermoplastic Traffic Stripe	1,570	LF	\$ 1.00	\$ 1,570.00
25	Thermoplastic Pavement Marking	970	SF	\$ 3.00	\$ 2,910.00
26	4" Thermoplastic Traffic Stripe (Broken 36-12)	6,620	LF	\$ 0.60	\$ 3,972.00
27	4" Thermoplastic Traffic Stripe (Broken 17-7)	230	LF	\$ 0.60	\$ 138.00
28	4" Thermoplastic Traffic Stripe (Enhanced)	9,020	LF	\$ 1.00	\$ 9,020.00
29	4" Thermoplastic Traffic Stripe (Enhanced - Broken 36-12)	3,200	LF	\$ 0.80	\$ 2,560.00
30	8" Thermoplastic Traffic Stripe (Enhanced)	680	LF	\$ 1.50	\$ 1,020.00
31	Thermoplastic Crosswalk and Pavement Marking (Enhanced)	380	SF	\$ 5.00	\$ 1,900.00
32	Pavement Marker (Non Reflective)	620	EA	\$ 3.00	\$ 1,860.00
33	Pavement Marker (Retroreflective)	540	EA	\$ 4.00	\$ 2,160.00
34	Mobilization	1	LS	\$ 7,000.00	\$ 7,000.00
	Excludes Traffic Control for Mallard Forces. A total of 6 Shifts will be required to complete the above stated line items At Contractor's Option				\$ - \$ - \$ - \$ -
3	Traffic Control System (For Mallard Forces Only)	1	LS	\$ 17,000.00	\$ -
BID TOTAL:					\$ 58,503.50

Project Terms & Conditions:

- A minimum of 15 working days prior notification is required for each move-in. Mallard Const. will not be impacted by liquidated damages assessed by the Contractor / Agency due to an inadequate amount of time to completed Mallard Construction Operations. General Contractor is to submit in writing a project schedule prior to the above noted working day requirement.
- The following materials and services are included in this quote: Thermoplastic [Yes], Paint [No], Markers [Yes], Traffic Signs-Striping Plans Only [No], Mast Arm Signs - To be Supplied Only [No], Thermo/ Paint removal [Yes], Marker removal [Yes], Temporary striping [RPM], Temp tab removal [No], Post "No Parking" signs [No], Curb Painting [No], Channelizers [No]
- Total move-ins included in this quote for Permanent Striping / Striping Removals will be as noted: 2 EA
Additional Cost for BC Traffic to remobilize it's Crew will be charge at the following cost: \$ 3,500.00 EA
- No Traffic control is included in this quote. Traffic control when included in this quote is only for Mallard Const. Operations.
- If General Contractor or any of its sub-contractors work within Mallard Const. traffic control, the expense will be shared accordingly at Mallard Const. discretion. No advance posting, signing, or CMS is included for Mallard Const. traffic control.
- Prime Contractor to provide us with a JOBSITE secure area for temporary storage of all hazardous stripe removal debris.
- Prime Contractor to provide disposal area & dispose of all non-hazardous stripe & marker debris. Disposal area to be on site if Dump Site can't be provided, then please add the following cost to the proposal for disposal services: \$300.00 EA

Handwritten: \$ 75,503.50